

Prob 12B

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION  
WITH CONSENT OF THE OFFENDER**

*(Probation Form 49, Waiver of Hearing, is on file)*

**Offender Name:** John Joe LOPEZ, Jr.

**Docket Number:** 2:01CR00141-01

**Offender Address:** Stockton, California

**Judicial Officer:** Honorable William B. Shubb  
United States District Judge  
Sacramento, California

**Original Sentence Date:** 08/08/2001

**Original Offense:** 21 USC 846 and 841(a)(1) - Conspiracy to Distribute  
Methamphetamine and to Possess With Intent to Distribute  
Methamphetamine  
(CLASS A FELONY)

**Original Sentence:** 135 months custody Bureau of Prisons; 60 months Supervised  
Release; \$100 Special Assessment

**Special Conditions:** 1) Submit to search; 2) Financial disclosure; 3) Drug/alcohol  
treatment; 4) Drug/alcohol testing; 5) Pager/cell phone  
restrictions and disclosure; 6) Mental health treatment; 7) Co-  
payment for testing/treatment services; 8) Drug offender  
registration; 9) Gang paraphernalia/association restrictions

**Type of Supervision:** Supervised Release

**Supervision Commenced:** 04/02/2010

**Assistant U.S. Attorney:** To be assigned **Telephone:** (916) 554-2700

**Defense Attorney:** To be assigned **Telephone:** (916) 498-5700

**Other Court Action:**

**RE: John Joe LOPEZ, Jr.**

**Docket Number: 2:01CR00141-01**

**PETITION TO MODIFY THE CONDITIONS OR TERM  
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**07/14/2011:**

A Probation 12A1 - Report of Offender Non-Compliance Petition advising Court of offender's arrest for Driving Under the Influence of Alcohol. The Court approved the officer's plan, and ordered no further action be taken at the time.

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**PETITIONING THE COURT**

**To modify the conditions of supervision as follows:**

10. The defendant shall reside and participate in an inpatient correctional treatment program to obtain assistance for drug and/or alcohol abuse, for a period of up to 180 days, to include an additional up to 10 days for substance abuse detoxification services if deemed necessary.
11. The defendant shall abstain from the use of alcoholic beverages and shall not frequent those places where alcohol is the chief item of sale.
12. The defendant shall complete 60 hours of unpaid community service as directed by the probation officer. The defendant shall pay fees attendant to participation and placement in this program on a sliding scale as determined by the program.
13. The defendant shall be monitored for a period of 60 days, with location monitoring technology, which may include the use of radio frequency (RF) or Global Positioning System (GPS) devices, at the discretion of the probation officer. The defendant shall abide by all technology requirements and shall pay all or part of the costs of participation in the location monitoring program, as determined by the probation officer.

**Justification:** On July 14, 2011, the Court was notified of Mr. Lopez's non-compliance (Driving Under the Influence of Alcohol) as noted above.

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On July 23, 2011, Mr. Lopez was arrested and charged with domestic violence. On July 26, 2011, he pled guilty to Battery Against Spouse and Battery. He was sentenced in the San Joaquin County Superior Court, Docket Number SM278106A, and placed on a 3-year term of probation. Conditions included, 20 days jail, participation in a 52-week domestic violence program, and no contact with his wife, Cynthia Lopez. As a result of the above, Mrs. Lopez separated from Mr. Lopez.

In response to the above incident, Mr. Lopez's supervision was intensified. His participation in the federal treatment programing was enhanced with a focus on alcohol and substance use, relapse prevention, and abuse triggers. He was additionally directed to attend Alcoholics Anonymous meetings. He also began his participation in the San Joaquin County 52 week Batterers program.

On October 7, 2011, while his wife was at his residence, an argument ensued. Stockton Police Officers responded to the residence on a report of a domestic dispute, and Mr. Lopez was arrested for Battery. However, he was released as charges were not filed. This officer monitored his progress through home visits, contact with his family members, and review of his participation in the varied programing. He appeared focused on addressing these problematic areas of instability.

On January 10 and 17, 2012, Mr. Lopez missed scheduled testing. On January 24, 2012, and February 10, 2012, he submitted urine samples which returned as abnormal. On February 16, 2012, an unannounced visit was conducted. The initial contact with Mr. Lopez revealed he had been consuming alcohol. He provided a urine sample via a test cup which returned positive for cocaine. The sample was further analyzed and confirmed by Alere Toxicology Services, Inc. as positive for cocaine. Mr. Lopez was contacted and he initially denied any illicit drug use. He subsequently reported on February 16, 2011, he attended his grandfather's funeral and subsequent family gathering. While in the company of family members, he had consumed alcohol and when offered, he ingested cocaine. He agreed he is in need of stability and intense substance abuse treatment.

In line with this need, he has agreed to participate in the Salvation Army Adult Recovery Center program for a minimum term of 6 months, in addition to the other above listed conditions including his abstention from alcohol. The delay in notification of this non-compliance was partially due to the intense attempts to bring Mr. Lopez into compliance. Mr. Lopez has finally acknowledged his

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severe abuse issues, alcoholism and controlled substance abuse, and is willing to take a large step by removing himself from the community to participate in an inpatient program. He has signed a Waiver of Hearing to Modify Conditions of his Supervised Release which is on file.

Should your Honor deem these additional conditions an appropriate and just sanction, the modification of his supervised release is recommended as this would exhaust all lower levels of intervention available to the probation office in assisting Mr. Lopez.

Respectfully submitted,

/s/ George A. Vidales  
**GEORGE A. VIDALES**  
**Senior United States Probation Officer**  
Telephone: (916) 683-3324

**DATED:** March 13, 2012  
Elk Grove, California  
GAV/cj

**REVIEWED BY:** /s/ Michael A. Sipe  
**MICHAEL A. SIPE**  
**Supervising United States Probation Officer**

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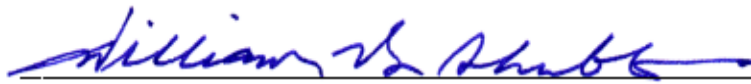
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**THE COURT ORDERS:**

( x ) Modification approved as recommended.

Date: March 13, 2012

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

cc: United States Probation  
To be assigned, Assistant United States Attorney  
To be assigned, Assistant Federal Defender  
Defendant  
Court File